

Dear Commissioners:

Don't prevent states from fixing my cell phone problems. I am writing to oppose CG Docket No. 04-208 and WT Docket No. 05-194, which will unjustly take away the authority of states to tackle problems with cell phone service, including abusive cancellation penalties. Worse, the proposal will put in place a weak set of cell phone company-endorsed rules that offer no improvements in service or enforcement.

It's time to adopt policies that force cell phone companies to improve the level of service they provide to consumers. It is time to regulate cell phone industry practices to protect consumers from unfair practices, hidden costs, incomplete and confusing information, unexpected changes and charges and robotic and maddeningly polite responses to concerns and problems. It is also time to end the penalty for stopping service, the excessive charges for roaming and text messaging and 911 use. Our bills show a monthly charge for 911, plus an additional charge for each instance.

Cell phone companies have no commitment to consumers. They are artificially solicitous so they can bleed you for every little thing related to cell phone use. While they require one and two year contracts from users, they can drop you at any time and you get no protection, for example, when one company is bought out by another. There is no fee for their early termination of their service, even when it costs more to sign up for the same service with another company.

Customer service people are very polite while they routinely lie and tell you anything to keep you and get your money. Services that used to be free - like transfer of phone directories - are billed as a "new service to all customers for only \$10.00." Evening hours start at later times and were not even mentioned in my new Verizon contract. When I switched to a plan with more minutes, I lost my 8pm evening start time without knowing it.

Text

messaging is another trap. On our Cingular plan, sent and received text messages are charged for at 10 cents each, unless you pay for a larger package that reduces the charge per message to less. Also, Cingular explained to me that you must open the message to delete it, so you cannot prevent the charges by not accepting the message.

Unexpected, unannounced changes are frustrating and costly.

I just received my Verizon bill, which has \$60 of roaming charges for use in an area in which I never incurred roaming charges before. Furthermore, in fact, I was nowhere near the origination the bill showed for the call. I was well within a service area, but the call showed as originating over 300 miles away in Dickinson, ND where apparently there is no coverage. I plan to call Verizon about that this morning.

Free promotions are fraught with traps for unsuspecting consumers. I just received a "free" phone, for which I was eligible after two years (I have been with Verizon for about 5 years.) The "free" phone required a new two year contract. My plan was supposed to remain the same, but apparently it did not because I now have roaming charges where I never did before. I dread calling because previously, polite and patient representatives have offered only doublespeak or no explanation at all. One manager for Verizon told me that the customer service person who told me I would keep my 8pm evening start time with my new phone didn't know what she was talking about because they had not had a plan with that start time for years and that I had lost the plan that did when I signed up for more minutes two years ago. I had been careful to assure that I still had the 8pm start time and was assured by two different customer service people that my old plan would continue. I had this in my notes, but the manager said there was nothing so noted in my file and he didn't know who I had spoken to, even though I had a name because they have offices all over the country and it

could have been anyone. I quit taking names.

My son just

lost his AT&T service plan when the company was bought up and he needed a new phone after his was damaged. He could not get an AT&T phone so was forced to get a new phone and plan from Cingular, getting half the minutes for more money, paying start up costs, paying for a new phone, paying more for text messaging, with no way to avoid the cost of unwanted incoming messages. A brochure promised free text messaging for the first month with the purchase of a qualified text messaging plan, which he signed up for.

When we got the bill about a month later there was \$171 for text messaging. I called Cingular and their answer was that the offer was only for the billing period, which ended 3 days after we bought the plan. When I pointed out that the offer was for a month, not a billing cycle, and that I thought in the spirit of good customer service and relations they should make an adjustment, they relented and reduced the bill by the text message overage. That took about a half an hour of my time and near panic and the lesson that you cannot avoid the charges for incoming text messages.

I know I am rambling, and I should go back and edit this but I hope you find this information useful. I am sure you will hear similar stories from cell phone users everywhere. I would like to drop my service, but it would cost me \$175 to do so. Cell phone companies are making normally reasonable people crazy. A good and successful business woman I know told me she was driven to cursing (a thing she has never done in a business situation before) over the phone at a cell phone customer service person. I had just done the same thing a day or two before - a first for me as well. It is discouraging to think we are losing our civility over cell phone service. I think much of the blame lays at the feet of the cell phone industry. If there were some way to regulate (yes, that ugly word) the service, the billing and contain the costs for consumers, I

would be all for it.

Please do something to make cell
phone use fair and understandable to consumers.

Thank
you, Jerilyn DeCoteau
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Although CG Docket No. 04-208 purports to address consumer frustration with confusing cell phone bills, hidden fees and misleading advertising, the proposal does little for consumers. In the name of helping us, the agency is proposing to block states from passing their own pro-consumer laws. As bad, WT Docket No. 05-194 would bar state courts from enforcing state law when it comes to unfair and abusive cell phone contracts. That's going too far.

States are responding to consumer complaints. Don't stop them! And don't give in to adopting weak, industry-drafted rules in their place. The FCC should stand up to the cell phone industry, and respect states rights and strong consumer protections.

Sincerely,
Jerilyn DeCoteau